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CHAPTER Pos 1000 DEGREE-GRANTING POSTSECONDARY INSTITUTIONS WITH A PHYSICAL PRESENCE, OR PLACE OF CONTACT THAT CONDUCT ADVISING/MENTORING OR INSTRUCTION IN NEW HAMPSHIRE

PART Pos 1001 APPLICABILITY

Pos 1001.01 Institutions Excluded from Commission Jurisdiction. Institutions excluded from commission jurisdiction shall be as follows:

- (a) An in-state institution which has been in continuous operation since before 1775; or
- (b) An out-of-state institution with no physical presence in the State of New Hampshire that is accredited by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both that:
 - (1) Offers credit-bearing courses, programs and/or degrees exclusively by online computer delivery in which the server is located outside of this state, including online instructors residing in this state that do not physically meet with students;
 - (2) Sends recruiters to college fairs or advertises in this state;
 - (3) Partners with an approved New Hampshire institution to provide credit to New Hampshire college and university students enrolled in study abroad experiences or other special study activities; or
 - (4) Contracts with a New Hampshire entity that does not directly develop or deliver instruction.

Pos 1001.02 Institutions Under Commission Jurisdiction.

- (a) Physical presence shall be determined by a N.H. telephone exchange or post office box mail drop, or if advising/mentoring or instruction in person is taking place inside the boundaries of the state of New Hampshire.
- (b) Pursuant to RSA 188-D:8 and RSA 292:8-b through 8-j, any institution seeking to operate in the state of New Hampshire and offer credit-bearing courses, programs or degrees, shall first obtain approval of the commission and submit an evaluation subject to the provisions of Pos 1004.
- (c) Any institution seeking to establish an administrative office in the state of New Hampshire shall first obtain approval of the commission and submit an evaluation subject to the provisions of Pos 1004.

(d) Any institution established under RSA 187-A or RSA 188-F, shall be exempt from program or degree review and shall submit an annual report, per Pos 1006.01.

(e) Any teacher certification program(s) offered by approved NH institutions shall fall under the provisions of RSA 186:11 and Ed 600.

(f) Any institution planning to close shall be subject to the provisions of RSA 292:8-kk and Pos 1006.06.

PART Pos 1002 INCORPORATION

Pos 1002.01 Institutions Seeking Incorporation. Pursuant to RSA 188-D:8, I, RSA 292:8-c through 8-h, the commission shall advise the legislature concerning the granting of degrees. An institution that intends to seek incorporation and degree-granting authority shall secure approval from the commission prior to seeking authorization from the legislature and shall submit articles of agreement as required by RSA 292:8-c and 8-d and be subject to the provisions of Pos 1004.

Pos 1002.02 Institutions Seeking Incorporation with the Main Campus Outside the United States. Institutions operating or planning to operate a main campus outside of the United States shall submit an evaluation subject to the provisions of Pos 1004, in addition to the following information:

- (a) Articles of agreement as required by RSA 292:8-c and 8-d;
- (b) Information regarding legal status of the institution in country/countries in which it currently operates or intends to operate and recognition in the country/countries it intends to operate with the ministry of education and accreditor(s) as applicable;
- (c) Evidence of representation by legal counsel recognized by the American Bar Association and its affiliate in the country or countries where the institution operates or plans to operate;
- (d) Annual financial audits by a certified public accountant in the U.S. and by an equivalently recognized accounting firm or U.S. affiliate firm in the country or countries where the institution operates or plans to operate;
- (e) Accreditation status/intentions with a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both;
- (f) Evidence that leadership has significant experience with American higher education;
- (g) Evidence that the governing board includes members from the New Hampshire community; and
- (h) Evidence of distinctions between proposed offerings and those currently offered by NH

institutions.

Pos 1002.03 Out-of-State Institutions Seeking Incorporation of a Branch Campus. An out-of-state institution seeking incorporation of a branch campus shall submit an evaluation subject to the provisions of Pos 1004, in addition to the following information:

- (a) Articles of agreement as required by RSA 292:8-c and 8-d; and
- (b) Evidence of distinctions between proposed offerings and those currently offered by NH institutions.

PART Pos 1003 REQUEST FOR AN EVALUATION

Pos 1003.01 Statement of Intentions.

- (a) The requesting institution shall set up a meeting with the executive director, or designated representative, to discuss proposed plans.
- (b) The request for an evaluation shall identify:
 - (1) The institution;
 - (2) The approval being sought;
 - (3) The reason therefore;
 - (4) The process used to develop the plan/request;
 - (5) Proposed timeline; and
 - (6) Evidence of distinctions between proposed offerings and those currently offered by NH institutions.

Pos 1003.02 Submission of Materials: An institution shall:

- (a) Submit 6 copies, plus electronic version, of a plan that addresses the following standards:
 - (1) Purpose and mission;
 - (2) Organization and governance;
 - (3) Educational program;
 - (4) Graduation requirements;

- (5) Faculty;
- (6) Student body;
- (7) Student records;
- (8) Library;
- (9) Facilities and technologies;
- (10) Financial resources; and
- (11) Publications.

(b) A plan shall be submitted at least 6 months in advance of the proposed start date.

PART Pos 1004 STANDARDS FOR AN EVALUATION

Pos 1004.01 Institutional Purpose and Mission.

(a) The applicant shall categorize the institutional purpose and mission in its evaluation plan that includes:

- (1) A well-defined statement of the institution's general purpose, or goals which define the purpose and mission and reflect its official philosophy, distinctive character and intended practice;
- (2) Specific objectives for its students both generally and in each program of study;
- (3) A narrative statement describing in detail how the institution achieves or will achieve the purpose and mission set forth in the statement of purpose; and
- (4) The following documents provided as attachments:
 - a. A copy, certified by the secretary of the corporation, of the vote of the governing board of the institution adopting the statement of purpose as submitted; and
 - b. A certified copy of the bylaws or other governing instrument specifying the procedures for amendment of the statement of purpose.

Pos 1004.02 Organization and Governance.

(a) The applicant shall categorize organization and governance in its evaluation plan that:

- (1) Clearly specifies, together with organizational charts, administrative responsibilities

and concomitant authority, showing the lines of authority and the relationships among component units and personnel;

(2) Provides evidence of a governing board of 7 or more people of which fewer than one-half have any financial interest in the institution as an employee, stock-holder or corporate director:

a. Who will be responsible for the general policies and control of the institution which shall:

1. Meet at least twice in each fiscal year; and

2. Keep written minutes of the actions taken at these formal meetings or otherwise maintain a record of proceedings by such lawful means as are expressly permitted under its governing instruments;

(3) States the role of trustees, administrators, faculty, and students and the nature and extent of the involvement of each in the determination of policies and the resolution of issues, as well as academic program and curriculum development.

Pos 1004.03 Educational Program.

(a) The applicant shall categorize the educational program in its evaluation plan that:

(1) Reflects and supports the purpose and mission of the institution through curricula;

(2) Clearly and accurately describes curricula in all published materials;

(3) Clearly states the level of instruction and reflects the resources of the institution, including but not limited to program support in the following areas:

a. Financial;

b. Personnel;

c. Physical; and

d. The level of academic preparation of the students;

(4) Clearly states and makes available, in writing, to students at the start of each term:

a. Course objectives;

b. Course outcomes;

c. Requirements; and

d. Standards of achievement;

(5) Provides evidence that the internal structure of course(s) rests within the purview of the appropriate faculty and academic leadership;

(6) Is developed by faculty who has responsibility for development of specific academic details for the implementation of general policy adopted by the governing board of the institution;

(7) Clearly defines, and makes available in writing, a process for establishment, development, and reviews of educational policy;

(8) Provides evidence that provisions are made for a systematic and broad-based approach to the assessment of student learning, assessment of the educational program, and the evaluation and improvement of instruction;

(9) Includes a sequence of appropriate subjects or courses leading to the attaining of competence in the respective area or field of study;

(10) Provides evidence that qualified faculty assess the competencies of students in each subject or courses included in each curriculum, including independent work, theses and dissertations;

(11) Whenever taught by graduate students, occurs under the supervision of members of the faculty;

(12) Ensures that students have systematic, substantial and sequential opportunities to learn important skills, and understandings and actively engage in important problems of their discipline or profession;

(13) Links program goals with achievement of student outcomes;

(14) At the associate degree level, have requirements for graduation that are based upon successful completion of a minimum of 60 semester hours of study;

(15) At the baccalaureate degree level:

a. Is planned to reflect a commitment to a particular area of inquiry;

b. Affords competence in the subject significantly beyond the introductory level;
and

c. Is based upon successful completion of a minimum of 120 semester hours of study;

- (16) If organized on other than the usual semester basis, ensures that the educational program provided contains at least as many hours as an institution organized on the usual semester basis;
- (17) Conducts graduate and professional programs so as to provide for the development of high levels of competence with appropriate scholarship and skills in the area;
- (18) Makes available and uses instructional materials, technologies and equipment appropriate to attainment of the educational objectives of the institution;
- (19) Clearly states and makes available in writing, aims, requirements, standards and procedures for evaluation of programs of instruction and specific courses the quality and context of each course shall achieve the stated objectives;
- (20) Provides evidence that all courses offered by correspondence, distance-learning or away from the institution's primary campus are consistent with, and comparable to, courses offered to resident students enrolled at the institution's primary campus; and
- (21) Clearly states student expectations for attaining degree requirements.

Pos 1004.04 Graduation Requirements.

The applicant shall define graduation requirements in its evaluation plan that stipulates that no more than 50% of the credits required for a degree or other credential shall be awarded for prior experiential learning and/or credits by examination.

Pos 1004.05 Faculty.

(a) The applicant shall categorize the faculty in its evaluation plan that identifies faculty that:

- (1) Are competent as evidenced by:
 - a. Academic degrees from appropriately accredited institutions;
 - b. Academic knowledge in the discipline in which they teach;
 - c. Previous teaching experience which ensures that students will receive education consistent with the objectives of the program of study and the curricular requirements as stated in the institution's published catalogue and web site or electronic media; and
 - d. Capacity to teach education programs per Pos 1004.03.
- (2) Meet or exceed the following standards in a 2-year associate program:

- a. Faculty shall hold at least a master's degree or its equivalency as determined under Pos 1004.05 (a) (7); and
 - b. The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;
- (3) Meet or exceed the following standards in a 4-year baccalaureate degree program:
 - a. Faculty shall hold at least a master's degree or its equivalency as determined under Pos 1004.05 (a) (7), in the field of specialization in which they are teaching;
 - b. At least 25% of the full-time faculty shall hold a doctoral degree or the appropriate terminal degree; and
 - c. The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;
- (4) Meet or exceed the following standards in a master's degree program:
 - a. Faculty shall hold at least a master's degree or its equivalency as determined under Pos 1004.05 (a) (7), in the field of specialization in which they are teaching;
 - b. A majority of the faculty shall have satisfactorily completed work beyond the master's degree; and
 - c. At least 40% of the full-time faculty shall hold a doctoral degree or an appropriate terminal degree;
- (5) If teaching in a doctoral program, hold a doctoral degree;
- (6) If teaching in a professional degree program, hold a doctoral or professional degree;
- (7) If granted approval to teach by the institution, an equivalency for any of the positions listed in Pos 1004.05 (a) (2) and (3), or meets the following requirements:
 - a. The institution shall state the reason for its equivalency in a narrative statement;
 - b. All equivalencies shall meet or exceed the requirements of the published course syllabus; and
 - c. The written job description for the position shall state what preparation is necessary to be considered equivalent to a candidate who has a degree in the field;
- (8) Are sufficient in number to ensure student faculty ratios consistent with the mission of the institution, and meet the following numerical standards:

- a. The proportion of part-time faculty members and the student-teacher ratio shall be effective and consistent with the institution's purpose such as to provide effective instruction and guidance in each course consistent with the institution's purpose and the written description of the requirements for that course;
 - b. In no instance shall the faculty number fewer than 4 full-time members; and
 - c. The faculty shall consist of full-time appointments sufficient in number and length of service to ensure continuity and stability of the educational programs and a turnover rate consistent with the institution's purpose;
- (9) Are representative of the principal areas of instruction offered by the institution and have a composition relevant to the number and nature of the courses taught;
- (10) Have a teaching load consistent with the time essential for adequate preparation for each class, other assigned academic or administrative responsibility, and professional growth including, but not limited to, the pursuit of terminal degrees in the field, the attendance at professional meetings, research and publications;
- (11) Have professional and institutional responsibilities specifically defined in writing;
- (12) Have expectations for continuing professional study and/or scholarly activity, and be encouraged to participate in professional meetings and other scholarly activity related to faculty disciplines;
- (13) Have specified personnel policies concerning matters including, but not limited to, academic freedom, salaries and benefits, and incentive for professional growth. The institution shall adopt, maintain and follow policies governing initial appointments, reappointments and the dismissal of faculty, including adjunct faculty, and shall maintain records that evidence such policies are, in fact, followed;
- (14) Are appointed pursuant to the established procedures of the institution, and such appointments shall be promptly reported, in writing, to the governing board of the institution;
- (15) Are provided a written notice of appointment in which contains, or incorporates by specific reference, the conditions of employment and personnel policies with regard to academic freedom and economic security;
- (16) Are sufficient in number, with a full-time commitment to the institution, and length of service to ensure continuity of the educational program. The institution shall provide a roster evidencing such stability; and
- (17) Are provided a written contract for employment that includes information on salaries, fringe benefits, and provisions for academic freedom.

Pos 1004.06 Student Body.

(a) The applicant shall categorize the student body in its evaluation plan that ensures the student body:

- (1) If admitted to an associate or baccalaureate degree program, will be required to have a high school diploma or the equivalent;
- (2) If admitted to an associate or baccalaureate degree program, will be allowed early admission or admittance to a dual degree program if procedures have been published in the institution's catalogue;
- (3) If admitted to a master's or doctoral degree program, will be required to complete at least a baccalaureate degree or the equivalent;
- (4) Has access to standards for continued enrollment in the institution in the institution's catalogue or handbook;
- (5) Has access to policies which shall include, but not be limited to, appropriate counseling in program planning, course selection and including, but not limited to, registration procedures, deadlines for course additions or withdrawals, basic course requirements, satisfactory progress requirements; and
- (6) Has health services readily available, if attending an institution with residential facilities.

Pos 1004.07 Student Records.

(a) The applicant shall categorize student records in its evaluation plan that ensures student records:

- (1) Include but are not limited to, health, counseling and financial aid and academic transcripts;
- (2) Be collected and maintained, insofar as is economically feasible, relative to information concerning a graduate's activities including, but not limited to:
 - a. Rate and field of employment;
 - b. Continued education; and
 - c. Performance on licensing examinations as appropriate; and
- (3) Have security and maintenance ensured by the institution as follows:
 - a. Physical records shall be stored in fire-resistant cabinets;

- b. Records maintained in electronic systems shall be secured to prevent loss; and
- c. Duplicates of written and electronic records shall be periodically made and separately stored to assure security of records.

Pos 1004.08 Library.

(a) The applicant shall categorize the library in its evaluation plan that ensures the library:

(1) Have a written strategic plan in accordance with the institution's purpose, the nature of the education program, and the enrollment;

(2) Have access provided to its basic physical and virtual collections. If other libraries or collections are to provide a major part of the library resources for the educational program, the extent of dependence shall be clearly stated and the nature and details of agreements shall be described;

(3) If engaged in an agreement with other libraries and entities providing access to resources, specify the following:

a. The degree to which the holdings of the other libraries or resources support the institution's educational program and enrollment; and

b. The degree to which students of the institution can use these libraries or resources;

(4) Provide services including, but not limited to:

a. Availability for student use at regularly posted times for purposes of study and research;

b. Availability of resource and supervisory personnel and standard library services including, but not limited to, circulation, reference services, instruction and interlibrary loans; and

c. Provisions for an atmosphere conducive to learning;

(5) Keep up-to-date records of circulation, holdings, inventory data, materials on order, current periodicals received, subscription data base usage, expenditures and budgets;

(6) Have holdings, including primary, secondary and electronic resources to:

a. Support the curriculum; and

b. Be consistent with the purpose, the course offerings, and enrollment of the

institution;

(7) Periodically review its holdings to assure that the holdings remain consistent with the course offerings;

(8) Have a number of volumes in the collection and access to resources consistent with the academic programs and the enrollment as follows:

a. Academically relevant minimal holdings shall be 25,000 titles for a 4-year institution;

b. Academically relevant minimal holdings shall be 10,000 titles for a 2-year institution; and

c. Academically relevant minimal holdings shall be 5,000 titles for an institution offering associate degrees in technical or business fields; and

(9) Have a budget adequate to maintain the above standards.

Pos 1004.9 Facilities and Technologies.

(a) The applicant shall categorize the facilities and technologies in its evaluation plan that:

(1) Is sufficient to meet the institution's programs and objectives;

(2) Includes documentation of compliance with all applicable health and safety standards, codes, ordinances, and laws; and

(3) If not owned by the institution, be evidenced through a lease or other arrangements to ensure that facilities and technologies are available to meet the institution's stated objectives.

Pos 1004.10 Financial Resources.

(a) The applicant shall categorize financial resources in its evaluation plan that ensures financial resources:

(1) Are adequate for the institution to:

a. Support its purposes;

b. Implement its program; and

c. Graduate its entering class as follows:

1. For institutions seeking associate degree-granting authority, this shall mean a minimum period of 4 years; and

2. For institutions seeking baccalaureate, masters, and doctoral degree-granting authority, this shall mean a minimum period of 6 years;

(2) Adequately and effectively implement, achieve, and enhance purposes and objectives of the institution, as evidenced by the following:

- a. Financial policies, procedures, and practices that ensure academic quality;
- b. A business plan for the time period described in Pos 1004.10 (b) (1) c 1 and 2, which includes:
 - 1. An enrollment plan which includes anticipated applications, deposits, yield and retention rates;
 - 2. Tuition and other sources of support; and
 - 3. Anticipated expenses;

(3) Are the focus of a budget preparation process that is inclusive and reviewed and approved by administrators and the institution's governing board;

(4) Within the budget, be sufficient in detail to identify operating expenses including categories for:

- a. Instruction;
- b. Library;
- c. Information resources and technology;
- d. Student services;
- e. Financial aid, including a calculation of the tuition discounting rate; and
- f. Operation and maintenance of the physical plant;

(5) Be administered by a chief financial officer who shall have:

- a. Expertise, education, academic degrees and an understanding of higher education finances;
- b. Responsibility for the financial and business operations of the institution; and
- c. Responsibility for its institutional budget, overseeing its formulation, revision and implementation;

(6) Provide evidence to demonstrate the institution's fiscal soundness including, but not limited to:

a. Resources and a resource plan which will ensure operations through the time period described in Pos 1004.10 (b) (1) c 1 and 2, which includes:

1. Unrestricted net operating income demonstrating the institution's ability to live within its resources;

2. Resources necessary to meet covenants in any debt or other similar obligations of the institution;

3. Expendable reserves to sustain academic quality should resources in (b) above not meet expenditure needs in any given year; and

4. An existing realistic plan addressing issues raised by existing operational deficits, or in the event of a significant financial challenge or actual financial crisis to the institution or program, and reflecting significant assets to guarantee student protection;

(7) Be monitored through financial records which:

a. Are open for inspection and audit by the commission or its agents upon demand during normal working hours;

b. Are maintained in conformity with generally accepted accounting principles;

c. Include annually audited financial statements with an unqualified opinion for at least 2 consecutive years;

d. Are kept according to procedures that are sufficient to maintain financial integrity that gifts or grants given to the institution will be utilized according to the donor's or grantor's intent; and

e. For purposes of (7) c above, audited financial statements means independently audited and certified annual financial statements which are completed within 6 months after the end of each fiscal year;

(8) Include evidence that insurance is carried to protect the school's financial interest sufficient to maintain the solvency of the school in case of loss by fire or other causes, and to protect it from instances of personal and public liability; and

(9) If the institution has or plans to incur debt, maintain and update, as needed, a plan covering the period such debt will be outstanding and showing:

- a. The anticipated interest and principal payments throughout the life of the debt; and
- b. The provision for payment of such interest and principal as it becomes due and payable.

Pos 1004.11 Public Disclosure.

(a) The applicant shall categorize public disclosure in its evaluation plan that:

(1) Includes a catalog and supporting materials that are accessible electronically and that include the following:

- a. Explicitly worded statements about its current status with the commission, approvals from required licensing agencies, regional, national, and specialized accrediting agencies;
- b. Identification of mission, ownership and control of the institution;
- c. Information about the governing board, staff and faculty;
- d. Admission requirements;
- e. Courses, programs, degrees offered;
- f. Program objectives, length of program, curriculum offerings, and degree requirements;
- g. Rates of student success, including rates of retention, graduation and other measures of success appropriate to its institutional mission;
- h. Schedule of tuition, fees, availability of financial aid, expected amount of student debt upon graduation, and all other charges and expenses necessary for completion of the course of study;
- i. Procedures and policies related to transfer of credit, attending and withdrawing and a list of institutions with which it has an articulation agreement(s);
- j. List of current faculty, indicating program affiliation, distinguishing between full and part-time status and showing degrees held/institution(s) attended;
- k. Cancellation and refund policies;
- l. Where to file student complaints and where to seek redress;

- m. Locations and programs available at branch campuses, other instructional locations, including those overseas, along with a description of programs and services available at each location; and
- n. Such other material facts concerning the institution as are reasonably likely to affect the decision of the student to enroll therein; and

(2) Describe the institution as it exists on the date of print or electronic publication.

PART Pos 1005 EVALUATION PROCESS

Pos 1005.01 Evaluation Team. Upon receipt of the evaluation, the executive director, on behalf of the commission, shall appoint an evaluation team.

Pos 1005.02 Notification. The executive director shall notify the chairpersons of both the House and Senate Education Committees so that each may appoint a member to participate on the evaluation team.

Pos 1005.03 Review by Evaluation Team.

(a) The evaluation team shall review the evaluation and, if applicable, conduct an onsite inspection(s) and interviews for the purpose of determining the extent to which the institution has complied with the requirements of Pos 1004.

(b) The evaluation team shall consider linking approvals to specialized licensing or professional accrediting agencies when such is pertinent to professional practice of development, or when the licensure is required in the State of New Hampshire for professional practice.

(c) Upon completion of the evaluation, the evaluation team shall complete an evaluation report that:

(1) Responds in detail to the extent of the institution's compliance with Pos 1004; and

(2) Makes a recommendation as to whether the commission should grant approval.

(d) The institution shall have an opportunity to respond to any aspect of the evaluation report and to respond to specific questions within 10 days.

(e) The institution shall not offer or advertise until commission approval is granted.

Pos 1005.04 Decision by the Commission.

(a) Upon receipt of the evaluation report, the commission shall review the report and vote to accept, amend or reject the recommendations contained herein based upon its determination of compliance with Pos 1004.

(b) The institution shall be invited to attend the meeting of the commission to answer any questions from the commission.

(c) The commission shall notify the institution in writing of its decision within 10 days of the commission vote on the evaluation report.

(d) In the event that the commission votes to reject the recommendations of the evaluation team, the commission shall issue a detailed decision containing the reasons for rejection.

(e) If the decision of the commission is to reject an institution's application for degree-granting authority, based on non-compliance with Pos 1004, the details of that decision shall be included in the institutional letter of notification.

(f) The institution may appeal the commission's decision.

PART Pos 1006 CONTINUING REVIEW

Pos 1006.01 Annual Report – In-State Institutions. Annually on or before December 31, every in-state institution offering courses, programs or degrees within the State of New Hampshire shall file with the commission:

(a) A report listing the names of the programs, degrees and certificates the institution offered as of September 1 of the year in which the report is filed and new curricular plans for the upcoming year;

(b) Annual reports submitted to its institutional accrediting agencies;

(c) If applicable, audited financial statements for 3 years following notification from the U.S. Department of Education regarding financial responsibility ratios below the expected threshold.

Pos 1006.02 Annual Report – Out-of-State Institutions. Annually on or before December 31, every out-of-state institution offering courses, programs or degrees within the State of New Hampshire shall file with the commission a report outlining:

(a) Offerings;

(b) Enrollments by site(s);

(c) Curriculum changes;

(d) Changes in faculty that includes academic discipline, degree alignment with courses taught, degrees held/institution(s) attended;

(e) Current status with accreditors; and

- (f) Any other area specified by the evaluation team or commission.

Pos 1006.03 Accreditation.

(a) In lieu of conducting its own formal evaluation, the commission shall, pursuant to RSA 188-D:8-V, accept accreditation by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, when all commission requirements, as outlined in Pos 1004, are satisfied, unless specific circumstances are known to jeopardize approval.

(b) Nothing herein shall preclude the commission from conducting separate formal evaluations and the commission shall not be bound by any decision of any accrediting entity.

Pos 1006.04 Institutions Undergoing a Substantive Change in Governance.

(a) An institution with a substantial change in governance, including a 50% or greater change in the composition of the governing board within a one-year period or operational procedures of the board which would affect the mission, character, and quality of the institution shall inform the commission by submitting the following:

- (1) A letter and any documents explaining the reason for the changes, and how these changes will impact the mission, current operations, and students;
- (2) Public disclosure, including a timeline and student and donor notification;
- (3) Any other substantive changes altering the current activity in Pos 1004;
- (4) Any correspondence to and from institutional accrediting agencies;
- (5) Documentation of change in incorporated status, such as creation of a sole membership; and
- (6) Any contracts detailing arrangements regarding development of courses, programs or degrees by a non-title IV eligible entity.

Pos 1006.05 Institutions Undergoing an Acquisition, Transfer, Sale of Assets. An institution undergoing an acquisition, transfer, sale of assets if more than 25%, or merger, shall inform the commission by submitting the following:

- (a) A letter explaining the reason for the change;
- (b) A transition plan and timetable that includes, but is not limited to:
 - (1) Public disclosure, including a timeline and student and donor notification;

- (2) Evidence of sufficient fiscal resources to support the transition;
- (3) Accreditor(s) expectations;
- (4) Any correspondence to and from institutional accrediting agencies;
- (5) Legal documents related to the transition;
- (6) Most recent audited financial statement;
- (7) Reconsideration options for all parties;
- (8) Any changes in:
 - a. Mission;
 - b. Board appointments;
 - c. Internal governance and leadership structure;
 - d. Institutional leadership appointments;
 - e. Faculty and staff appointments, along with terms of employment, including, but not limited to, working conditions and benefits;
 - f. Enrollment;
 - g. Program offerings; and
 - h. Facilities; and
- (9) Any other substantive changes altering the current activity in Pos 1004.

Pos 1006.06 Institutions Undergoing Closure.

- (a) Pursuant to RSA 292:8-kk, any institution that closes shall submit the following:
 - (1) Electronic and hard-copy student transcripts; and
 - (2) Copies of catalogs.
- (b) Any institution that plans to close shall inform the commission by forwarding the following:
 - (1) A transition plan and timetable that addresses and includes, but is not limited

to:

- a. Public disclosure, including a timeline and student and donor notification;
 - b. Changes in internal governance and leadership structure;
 - c. Changes in faculty and staff appointments;
- (2) Plan for discontinuation of programs:
- a. Number of students impacted;
 - b. Teach-out schedule detailing program completion at current institution;
 - c. Evidence of arrangement with another accredited institution for student transfer;
- (3) Evidence of fiscal resources necessary to support the transition;
- (4) Accreditor(s) expectations; and
- (5) Any correspondence to and from accrediting agencies.

Pos 1006.07 Written Request for Expedited Review.

(a) In the event that an institution seeks degree-granting approval for a new degree level not covered by earlier plans or an additional program within that level, the institution shall submit a written request for a review as it relates to the program being established and degree-granting approval being sought.

(b) The written request shall include:

- (1) The name of the institution;
- (2) Approval being sought;
- (3) Previous degree-granting authority awarded by the legislature and approved by the commission;
- (4) Degree-granting authority being sought;
- (5) Rationale for development of the proposed program within the stated institutional mission;
- (6) Program planning and development process utilized in developing the request;

- (7) Proposed course, program or degree offering, syllabi, relevant biographies and credentials of faculty expected to teach in the proposed program;
- (8) New resources that will be required to fully implement the curriculum;
- (9) Opportunities that could impact the program and the campus;
- (10) Internal challenges that could impact the program and the campus;
- (11) External challenges that could impact the program and the campus;
- (12) Changes and shifts in organization and governance required to adjust to the proposed program; and
- (13) Copies of most recent accreditation report(s), including any progress on substantive recommendations and/or concerns found.

(c) Upon receipt of the written request, the executive director shall review and recommend to the commission to accept, amend or reject the request.

(d) The institution shall be invited to attend the meeting of the commission to answer any questions from the commission.

(e) The commission shall notify the institution in writing of its decision within 10 days of the commission vote.

PART Pos 1007 MONITORING COMPLIANCE

Pos 1007.01 Accreditation.

(a) Any institution seeking initial degree-granting authority shall be in good standing with a regional or national accrediting agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, within 8 years of receiving initial commission approval.

(b) Any institution currently under the jurisdiction of the commission and not in good standing with a regional or national accrediting agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, shall seek such accreditation in accordance with (a) above.

(c) Any change in status with accreditor(s), including probation notification, shall be provided to the commission, to determine compliance with Pos 1000.

Pos 1007.02 Disciplinary Action.

(a) Alleged violations of RSA 292:8-g and RSA 292:8-h shall be considered by the executive committee and reported to the department of justice for enforcement.

(b) Written notification of violations shall be given to the executive director who shall respond according to Pos 1007.03.

(c) Team chairs who identify violations will direct the president of the institution to:

(1) Notify all impacted students;

(2) Cease all activity related to violation; and

(3) Provide a written description to the executive director detailing the violation.

Pos 1007.03 Suspension or Revocation of Authority.

(a) Degree-granting authority of any institution which no longer meets the standards established by rules promulgated under RSA 188-D:8-a pursuant to RSA 292:8-ff, III, shall be suspended or revoked pursuant to Pos 200.

(b) In the event an institution has not received continuing commission approval for a program or degree for over a 10-year period, commission approval shall be withdrawn.

(c) An institution which has not conducted regular instruction for 3 consecutive years and whose charter has not been repealed pursuant to RSA 292:8-f shall be evaluated before announcing a resumption of instruction.

(d) Degrees which an institution has not awarded for 4 years shall be evaluated pursuant to RSA 292:8-ff, V prior to the re-awarding of any such degree.

Pos 1007.04 Hearing. Any institution dissatisfied with the commission's decision may request a hearing within 60 days of the date of the commission's decision, in accordance with Pos 200.

PART Pos 1008 ADMINISTRATIVE APPROVAL

Pos 1008.01 Request for Administrative Approval. In accordance with this part, the executive director shall grant administrative approval to an out-of-state institution that is accredited by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, for the following requests:

(a) Institutions offering closed credit-bearing internships, practicums, courses, programs or degrees for which the general public are not admitted and the institution does not publicly advertise.

(b) Institutions offering open:

- (1) Credit-bearing course(s) that do not exceed 50% of degree requirement;
- (2) Credit-bearing internships or practicums.
- (3) Non-credit-bearing course(s); and
- (4) Non-credit, non-course based residencies, internships or practicums;

(c) Institutions offering credit-bearing internships to students employed in the State of New Hampshire.

(d) Institutions with recruiter(s) residing in the State of New Hampshire;

(e) Institutions partnering with an approved NH institution to offer a credit-bearing course, program or degree(s); and

(f) Institutions contracting with a New Hampshire entity that directly develops or delivers instruction.

Pos 1008.02 Submission of Written Request. An institution applying for administrative approval shall submit a formal written plan to the executive director at least 6 months prior to the anticipated start date that includes, as applicable:

- (a) A description of the closed group and purpose of the offering(s);
- (b) A description of course, program or degree in which attending students are enrolled;
- (c) The location to be used and the anticipated timeframe/duration of the offering(s);
- (d) Relevant information called for in Pos 1004, particularly program curriculum, course syllabi, faculty and their credentials, library access, and provision of student services;
- (e) Documentation that the institution is in good standing with a regional or national accrediting agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both;
- (f) A demographic description of students to be served;
- (g) Activities, lectures, colloquia, advising, that are expected to take place during residencies;
- (h) Evidence that it is a supporting activity, not a core activity;
- (i) Educational impact on in-state institutions, benefits to students, and the State of New Hampshire; and

- (j) Copies of a signed contract or Memorandum of Understanding.

Pos 1008.03 Administrative Review.

(a) Following a review of the written plan, the executive director shall notify the institution of her/his decision. Approval shall be granted if the executive director determines the institution meets the requirements of Pos 1008.02 and determines that students are protected.

(b) Institutions offering short-term, non-credit academic “residencies” or internships shall be prohibited from utilizing them for purposes of formal recruiting activities via public advertising.

(c) Should evidence of a violation of these provisions come to the attention of the executive director after approval has been granted, she/he shall recommend revocation of the approval to the commission.

(d) Administrative approval for renewal shall require the submission of a new written plan, described above.

- (e) The commission shall be notified of all administrative approvals.